

REMARKS

Claims 13 and 17, as amended, are pending in the application. Claims 14-16 have been cancelled without prejudice or disclaimer. No new matter has been added as a result of the above-described amendments. The rejections set forth in the Office Action have been overcome by amendment or are traversed by argument below.

1. Rejection of claims 13-15 U.S.C. § 102

a. Gross *et al.*, 2000

The Office Action asserts a rejection of claims 13-15 under 35 U.S.C. § 102(a) as being anticipated by Gross *et al.*, 2000, *Nature* 404: 995-99. The Action states that Gross *et al.* disclose an artificial construct comprising residues 1-154 of human TACI fused to a human Fc domain and an artificial construct comprising residues 1-48 of human BCMA fused to a human Fc domain. The Action also states that the artificial constructs disclosed by Gross *et al.* meet the limitation of not comprising SEQ ID NO: 15 or SEQ ID NO: 6 because residues 1-154 of TACI are less than residues 1-166 of SEQ ID NO: 15, and residues 1-48 of BCMA are less than residues 1-51 of SEQ ID NO: 6. The Action further states that the constructs disclosed by Gross *et al.* meet the limitation of being a specific binding partner for APRIL or AGP-3 because the artificial proteins of Gross *et al.* comprise the required binding sequences for binding to APRIL or AGP-3.

In an effort to expedite allowance of the pending claims, Applicants have deleted claims 14 and 15 and have amended claim 13 to incorporate the limitation of claim 16, which the Action describes (*see* section 2 below) as reciting allowable subject matter. Applicants, therefore, respectfully request that this ground of rejection be withdrawn.

b. U.S. Patent No. 6,475,987

The Office Action also asserts a rejection of claims 13-15 under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent No. 6,475,987 (the '987 patent). The Action states that the '987 patent discloses human BCMA (SEQ ID NO: 11) as the Tall-1 receptor, and further discloses fusions of the entire extracellular domain of BCMA to a FLAG-tag and an Fc domain. The Action also states that the '987 patent discloses that "Tall-1 receptors" can include fusion proteins and homologues, and that homologues can include Tall-1 receptors in which a few amino acids have been deleted, including

truncated versions of the protein. The Action concludes that because the '987 patent specifically discloses a truncated Tall-1 receptor and therefore includes sBCMA constituting less than the entire extracellular region, the disclosure of FLAG-sBCMA-Fc in the '987 patent anticipates the claimed invention.

In an effort to expedite allowance of the pending claims, Applicants have deleted claims 14 and 15 and have amended claim 13 to incorporate the limitation of claim 16, which the Action describes (*see* section 2 below) as reciting allowable subject matter. Applicants, therefore, respectfully request that this ground of rejection be withdrawn.

Applicants contend that the rejections based on 35 U.S.C. § 102 have been overcome by amendment, and respectfully request that the Examiner withdraw all rejections made on this basis.

2. Objection to the claims

The Office Action contains an objection to claims 16 and 17 as being dependent upon a rejected base claim, but which would otherwise be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

As described in section 1 above, Applicants have amended claim 13 to incorporate the limitation of claim 16. Applicants have also amended claim 17 so that it depends from claim 13. Applicants, therefore, respectfully request that this objection be withdrawn.

CONCLUSIONS

Applicants respectfully contend that all conditions of patentability are met in the pending claims as amended. Allowance of the claims is thereby respectfully solicited.

If Examiner Canella believes it to be helpful, she is invited to contact the undersigned representative by telephone at 312-913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP

Dated: December 26, 2007

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